1. The response of the applicant has been read and given careful consideration. Responses to the arguments of the applicant are presented after the first rejection to which they are directed.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 29 is rejected under 35 U.S.C. 102(b) as being fully anticipated by Yanagisawa JP 03-228294.

Yanagisawa JP 03-228294 teaches in figure 3(l) (page 7), the placement of the recording layer in contact with the electron beam recording device. This is formed on a substrate (61), which is coated with an Al layer (42), and an InSe phase change layer (41). The formation of the recording medium is discussed on page 4 in the lower left column.

Clearly, it is electron beams recordable and exhibits a phase change upon recording. These are inherently rewritable. The claims are to the medium alone, so the process needs not be shown, but merely the ability to be recorded using the e beam need be shown. The applicant might not be aware, but early recording in chalcogenide phase change materials used electronic, rather than optical recording and readout (Ovshinski).

4. Claim 29 is rejected under 35 U.S.C. 102(b) as being fully anticipated by Miura et al. JP 2001-273688 (machine translation attached).

See the structure of figure 4b, comprising a substrate (2), an Ag conductive layer (3), an SiO2-ZnS dielectric layer (4) and an AgInSbTe phase change recording layer (5) and this is recorded upon and readout using an electron beam. [0038,0045]. Figure 8 teaches a substrates

(12), a conductive Ag layer (13), a dielectric layer (14) and an AgInSbTe phase change recording layer (15) and this is recorded upon using an electron beam. [0053-0054]

Clearly, it is electron beams recordable and exhibits a phase change upon recording. These are inherently rewritable.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN ANGEBRANNDT whose telephone number is (571)272-1378. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kelly Cynthia can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Martin J Angebranndt
Primary Examiner
Art Unit 1722

/Martin J Angebranndt/
Primary Examiner, Art Unit 1722
October 14, 2011